

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7043 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GULABBHAI MAGJIBHAI MEHTA

Versus

STATE OF GUJARAT

Appearance:

MR RK MISHRA for Petitioner

SERVED for Respondent No. 1

MR DA BAMBHANIA for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 02/12/97

ORAL JUDGEMENT

Rule. Mr.Bambhania, learned AGP appears and waives service of Rule on behalf of the respondents herein. With the consent of the learned advocates for the parties, matter is taken up for final hearing today. Heard the learned advocates for the parties.

Mr.Mishra, the learned advocate appearing for the petitioner states that the petitioner was visited with the punishment of reduction in pay which the petitioner has suffered. In another inquiry instituted against the petitioner on 10th August, 1994, the Inquiry Officer has held that the imputation of charges made against the petitioner is not proved. The inquiry report has been submitted to the competent authority on 18th February, 1997. However, no decision is taken as yet and the petitioner's application for voluntary retirement has not been considered under the guise of pending disciplinary action. I do not find any justification in the delay made by the respondents-authorities.

Petition is, therefore, allowed. The respondents are directed to finally conclude the disciplinary action initiated against the petitioner on 10th August, 1994 within a period of one month from today and also to decide the application for voluntary retirement made by the petitioner as expeditiously as possible, but not beyond a period of two months from today. Rule is made absolute to the aforesaid extent. No order as to costs.

JOSHI